

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC MAIL SECTION

FEB 14 2 21 PM '95

IN REPLY REFER TO:

CN: 95-0070

FEB 14 1995

Jim Coursolle, President
Station WPKR Radio
3891 Waukau Avenue
P. O. Box 3450
Oshkosh, Wisconsin 54903

DOCKET FILE COPY ORIGINAL

Dear Mr. Coursolle:

Thank you for your letter of January 26, 1995, requesting the status of a petition for rule making filed jointly by Value Radio Corporation, licensee of Station WMGV(FM), Oshkosh, Wisconsin, and CJL Broadcasting, Inc., licensee of Station WCJL-FM, Menominee, Michigan. That petition requested the substitution of Channel 280C3 for Channel 280A at Oshkosh, and reallocation of the channel from Oshkosh to Winneconne, Wisconsin. The petition also requested the substitution of Channel 279C3 for Channel 280A at Menominee, Michigan.

As you are aware, that petition resulted in the issuance of a Notice of Proposed Rule Making in MM Docket No. 90-139 seeking public comment on the proposal. This case is one of several interrelated rulemaking proposals involving various communities. We regret that limited staff resources have prevented a more expeditious resolution of this matter. However, we are pleased to inform you that the Allocations Branch, adopted a decision in this case on February 10, 1995. The decision will be officially released to the public shortly.

As you have requested, a copy of your letter, and related materials regarding regulatory fees, will be forwarded to the appropriate office to be included as comments in FCC Docket No. 95-3, "Assessment and collection of regulatory fees for fiscal year 1995."

Sincerely,

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

bcc: PIRS via Secretary's office
(Room 222 (2 copies) Petition filed: 10/12/89
(first R&O draft Jan. 92/J:all/Kscheuer/Cours

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January 26, 1995

Chairman Reed Hundt
Federal Communications Commissions
Washington D.C. 20554

Dear Chairman Hundt:

It is with great concern, frustration, and sadness that I am forced to write this letter. I am the owner of a radio station in Oshkosh, Wisconsin. I would like to think that might mean something to you. I have come to the conclusion that it doesn't mean a whole lot to the people that are working for you.

On December 21, 1994, my attorney Eugene T. Smith, on my behalf, submitted a Petition for Extraordinary Relief. I enclosed that petition.

My wife and I have been suffering a great deal since an interference problem became the major part of our life. We have spent approximately a thousand dollars a week since this began, and have received absolutely no help from anyone. We lease space on a tower because when put this station on the air in 1990 we could not afford to build our own tower. The landlord is belligerent, adversarial, and completely in total disregard for what my local attorney calls "providing safe harbor" for the operation of our radio station. I continue to send checks on a monthly basis to this landlord and he totally disregards our situation. We have hired the finest consulting engineering firm in the Midwest, according to most people. Ralph Evans and Associates have worked long and hard to try and solve the interference problem and continues to state beyond a reasonable doubt that our equipment is functioning absolutely perfectly and according to specs and that the interference problem is being caused by other components of the tower that do not belong to us. Mr. Evans, (please see his reports) stated that we will probably never be able to solve the problem given the environment and set of circumstances that we are dealing with, with regards to our landlord. He has advised me to try to move my antenna to a different location.

W P K R R A D I O
3891 WAUKAU AVE
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OSHKOSH, WI 54903

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January 26, 1995
Chairman Reed Hundt
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Since 1989, some channels have been tied up because of docket 90-139, RM-7149. This entire scenario is dealt with in the Petition for Extraordinary Relief. I have patiently sat and waited for somebody in the Federal Communications Commission to make a decision concerning this docket and rule making. No final decision has been made and this has been going on since the year 1989. Mr. Chairman, I don't mean to be facetious, but I am enclosing a page from The World Book that World War II started in 1939 and ended in 1945. This FCC proceeding started in 1989 and it is now 1995 and it has not ended. Certainly you must see the irony, when the world can deal with one of the biggest disasters ever experienced by mankind and end it in approximately the same period of time that this very very (in the scope of things) insignificant FCC proceeding has been going on. I also enclosed a time line of World War I, which started in 1914 and ended in 1918. Another human disaster that was resolved in just four years. Mr. Chairman, I would also like to call your attention to about a ~~five~~ page article (see enclosed) that appeared in the January 30, 1995, issue of US News and World Report, concerning bureaucrats. This article is based on fact and it expresses to a great extent the frustration being experienced by hard working people that can't seem to get bureaucrats to understand that they should also be required to do a dollars worth of work for a dollars worth of pay.

I'm also enclosing a page from The Radio Business Report (1/23/95) which states that you are trying to raise regulatory fees by seventy percent. I am already paying nine hundred dollars and am getting close to nothing for my money and now you are going to raise my fees to fifteen hundred and twenty five dollars. Please also submit this letter as comments which are due by February 13th on that rate increase. Obviously, that is not the jist of this letter, but I might as well "kill two birds with one stone".

I am forwarding a copy my letter to you to President Clinton, Newt Gingrich, Senator Herb Kohl, Senator Russ Feingold, Congressman Jim Sensenbrenner, Congressman Thomas Petri, and other members of the Congress that deal with communications.

Something has to be done to convince your organization that it must become effective and deal with problems.

You, too, would be extremely frustrated and angry if you submitted a petition "begging for relief" over thirty days ago and no one and I mean no one has even responded or acknowledged that they received that petition. As a matter of fact, I tried to get in touch with Kathy Scheuerle, of the allocations branch, and that department hid behind your new voice mail system. I tried on three differnt occasions with three different messages on that voice mail system and have received a response from Kathy one week later. Mr. Chairman, that is totally unacceptable and not the way that business is done in 1995. I am insulted by that kind of service

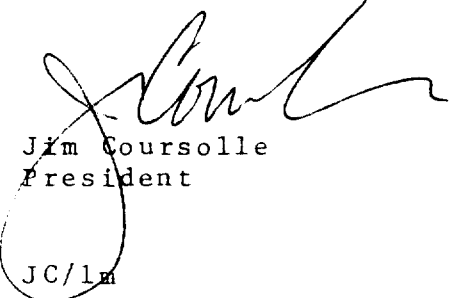
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and have taken immediate steps in conversations with Douglas Webbink, Chief of Policy and Rules, and am trying to reach Roy Stewart. I have also called your office a couple of days ago, but have received no response from your office either. Evidently, radio station owners are just not very important to the FCC and our problems are probably less important. Evidently, once people get to Washington they have such high opinions of themselves that they just don't need to deal with common ordinary folks especially in the Midwest. Mr. Chairman, actions speak louder than words.

I will be very interested and following this very closely as to how you respond to this letter. Your response will be conveyed to as many people that I can convey it to so that they know what kind of value they are getting for the money that is being spent on the operation of the Federal Communications Commission. Mr. Chairman, I am trying very hard to respect the Federal Communications Commission and its way of handling things, but here in the Midwest respect is earned.

I await your reply.

Sincerely,



Jim Coursolle
President

JC/lm

enclosures

HIGHLIGHTS OF THE WAR IN EUROPE AND AFRICA

1939

- Sept. 1 German troops invaded Poland.
- Sept. 3 Britain and France declared war on Germany.
- Nov. 30 Russian troops invaded Finland.

1940

- Apr. 9 Germany attacked Denmark and Norway.
- May 10 Germany invaded Belgium, Luxembourg, and The Netherlands.
- June 10 Italy declared war on Britain and France.
- June 22 France surrendered to Germany.
- Aug. 4 Italy invaded British Somaliland.
- Oct. 28 Italian troops swept into Greece.
- Nov. 20 Hungary joined the Axis.
- Nov. 23 Romania joined the Axis.

1941

- Jan. 15 British soldiers invaded Ethiopia.
- Mar. 1 Bulgaria joined the Axis.
- Apr. 6 Germany invaded Greece and Yugoslavia.
- June 22 Axis forces invaded Russia.
- July 7 United States troops landed in Iceland.
- Aug. 14 The Atlantic Charter was announced.
- Dec. 11 Germany and Italy declared war on the United States. The United States declared war on Germany and Italy.

1942

- June 5 The United States declared war on Bulgaria, Hungary, and Romania.
- June 21 German troops seized Tobruk in North Africa.
- July 2 The British halted the Germans at El Alamein.
- Sept. 16 German forces entered Stalingrad (now Volgograd) in Russia.
- Oct. 23 The British began an offensive at El Alamein.
- Nov. 7-8 Allied forces landed in North Africa.
- Nov. 11 French resistance in North Africa ended.
- Nov. 12 British troops captured Tobruk.
- Nov. 19 The Russians counterattacked at Stalingrad.
- Nov. 27 The French scuttled their fleet at Toulon.

1943

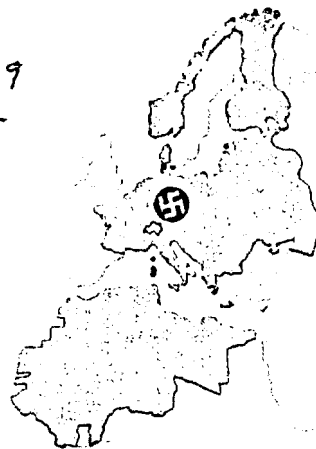
- Jan. 31 Field Marshal Friedrich van Paulus surrendered to the Russians.
- May 7 Tunis and Bizerte fell to the Allies.
- May 12 Organized Axis resistance in Africa ended.
- July 10 Allied forces invaded Sicily.
- Sept. 3 The Allies landed in Italy.
- Sept. 3 Italy signed a secret armistice with the Allies.
- Oct. 13 Italy declared war on Germany.
- Nov. 6 The Russians recaptured Kiev.

1944

- Jan. 27 The Russians broke the siege of Leningrad.
- Mar. 19 German troops swept into Hungary.
- June 6 The Allies landed in Normandy, France.
- June 13 The first V-1 guided missile fell on London.
- July 25 United States forces broke out of Normandy.
- Aug. 15 Allied troops landed in southern France.
- Aug. 25 Romania declared war on Germany.
- Sept. 9 Bulgaria declared war on Germany.
- Sept. 10 Finland signed an armistice with Russia.
- Dec. 16 The Germans began the Battle of the Bulge.
- Dec. 27 The Allies halted the German offensive.

1945

- Jan. 11 Russian soldiers entered Warsaw, Poland.
- Jan. 21 Hungary declared war on Germany.
- Feb. 13 Russian forces occupied Budapest.
- Apr. 13 Vienna fell to invading Russian troops.
- Apr. 22 The Russians reached the suburbs of Berlin.
- Apr. 25 U.S. and Russian forces met at Torgau.
- May 2 German troops in Italy surrendered.
- May 2 Berlin surrendered to Russian troops.
- May 7 Germany surrendered to the Allies.
- July 26 The Allies issued the Potsdam Declaration.



Axis Empire at Its Height (September, 1942) extended from Norway to North Africa and France to western Russia.



Normandy Invaded (June, 1944). The Allies pierced Germany's Fortress Europe with an amphibious attack.



Surrender of Germany (May, 1945) ended fighting in Europe. The Allies then freed German-held Norway.

90-139
1989

About the same time period of WWII

POCKET 90-139 STILL AVAILABLE

1989



1942

SAUDI ARABIA

RED SEA

The Death of Common Sense

BY PHILIP K. HOWARD

IN THE WINTER OF 1988, nuns of Mother Teresa's Missionaries of Charity were walking through the snow in the South Bronx in their saris and sandals to look for an abandoned building that they might convert into a homeless shelter. They came to two fire-gutted buildings on 148th Street and, finding a Madonna amid the rubble, thought that perhaps Providence itself had ordained

the mission. New York City offered the abandoned buildings at \$1 each, and the Missionaries of Charity set aside \$500,000 for the reconstruction. The only thing unusual about the plan was that the nuns, in addition to their vow of poverty, avoid the routine use of modern conveniences, and there would be no washing machines or other appliances. For New York City, the proposed homeless facility would literally be a godsend.

Although the city owned the buildings, no official had the authority to transfer them except through an extensive bureaucratic process. For 18 months, the nuns were directed from hearing room to hearing room discussing the project with bureaucrats. In September 1989, the city finally approved the plan, and the Missionaries of Charity began repairing the fire damage.

Providence, however, was no match for law. New York's building code, they were told after almost two years, required an elevator. The Missionaries of Charity explained that because of their beliefs they would never use the elevator, which also would add upward of \$100,000 to the cost. The nuns were told the law could not be waived even if an elevator didn't make sense.

Mother Teresa gave up. Her representative said: "The Sisters felt they could use the money much more usefully for soup and sandwiches." In a polite, regretful letter to the city, the Missionaries of Charity noted that the episode "served to educate us about the law and its many complexities."

No person decided to spite Mother Teresa. It was the law of government, which controls almost every activity of common interest—fixing potholes, running schools, regulating day-care centers, controlling workplace behavior, cleaning up the envi-



MOTHER TERESA'S TRAVAIL

She wanted to build a homeless shelter in an abandoned South Bronx building. New York City insisted the building have an unnecessary \$100,000 elevator. Her nuns gave up; they said the money was better spent on soup and sandwiches for the poor.

ronment and deciding whether to give Mother Teresa a building permit. And what it required offends common sense. Law designed to make Americans' lives safer and fairer has now become an enemy of the people.

Government acts like some extraterrestrial power, not an institution that exists to serve us. The bureaucracy almost never deals with real-life problems in a way that reflects an understanding of the situation. We seem to have achieved the worst of both worlds: a system of regulation that goes too far while it also does too little.

This paradox is explained by the absence of the one indispensable ingredient of any successful human endeavor: the use of judgment. In the decades since World War II, we have constructed a system of regulatory law that basically outlaws common sense. Modern law, in an effort to be "self-executing," has shut out our humanity.

The motives to make the law this way had logic. Specific legal mandates would keep government in check and provide crisp guidelines for citizens. Layers of "process"—proce-

dural deliberations—would make sure decisions were responsible. Handing out "rights" would cure injustice. But it doesn't work. Human activity can't be regulated without judgment by humans, adjusting for circumstances and taking responsibility.

The public's fury with government was demonstrated in the November election, and the Republicans who won power now promise to get government off our backs. This rhetoric never turns to reality, though, because the public does not want to cut government essential services. The public is



■ SCIENCE & SOCIETY

mad at *how* government works—its perpetual ineptitude and staggering waste—not mainly what government aims to do.

Moreover, the GOP's Contract With America proposes to take only small steps in the direction of real reform. One proposal would impose a moratorium on many pending regulations—an idea equivalent to cutting off your leg to lose weight. Another Republican theme is to return government functions to states, which could be a real benefit in certain areas like welfare but disastrous in others like environmental protection. The federalism idea ignores the fact that state governments are typically as ineffective and wasteful as the federal government. To liberate Americans from red tape, real reform must be aimed at simplifying *how* government works. Ending our suffocating legal system should be reformers' goal.

LAW REPLACES HUMANITY

The tension between legal certainty and life's complexities was a primary concern of those who built our legal system. The Constitution is a model of flexible law that can evolve with changing times and unforeseen circumstances. Today, we no longer remember that words can impose rigidity as well as offer clarity. Law had an identity crisis when Oliver Wendell Holmes Jr., then a law professor, suggested in 1881 that law was not certain after all but depended on how the judge and jury saw the facts. This stimulated a wide range of reform movements, especially to codify the common law into statutes. Progressives at the turn of the century, New Dealers in the 1930s and Great Society reformers in the 1960s expanded the role of government in huge ways.

Another form of lawmaking also took hold in the '60s that focused not on government's role but on its techniques. Legal details proliferated. The *Federal Register*, a report of new and proposed regulations, increased from 15,000 pages in the final year of John Kennedy's presidency to over 70,000 pages in the last year of George Bush's.

Precision became the goal. The ideal of lawmaking was to anticipate every situation, every exception and codify it. With obligations set forth precisely, according to this rationale, everyone would know where he stood. But the drive for certainty has destroyed, not enhanced, law's ability to act as a guide. "Regulation has become so elaborate and technical that it is beyond the understanding of all but a handful of mandarins," argued former Stanford Law Dean Bayless Manning. No tax auditor, no building code examiner can possibly know all the rules in thick government volumes. What good is a legal system that cannot be known?

Instead of making law a neutral guidepost protecting against unfairness and abuse, this accretion of law has given bureaucrats almost limitless arbitrary power. A few years ago, the

federal Occupational Safety and Health Administration decided workers needed more protection from hazardous chemicals. Bureaucrats decided that everything that could conceivably have a toxic effect should be shipped with a Material Safety Data Sheet describing the possible harmful effects of each item. The list grew and grew until it totaled over 600,000 products. In 1991, OSHA turned its attention to bricks. Bricks can fall on people, of course, but they had never been considered poisonous. The OSHA regional office in Chicago sent a citation to a brick maker for failing to supply an MSDS form with each pallet of bricks. If a brick is sawed, OSHA reasoned, it can release small amounts of the mineral silica. The fact that this doesn't happen much at construction sites was of no consequence. Brick makers thought the government had gone

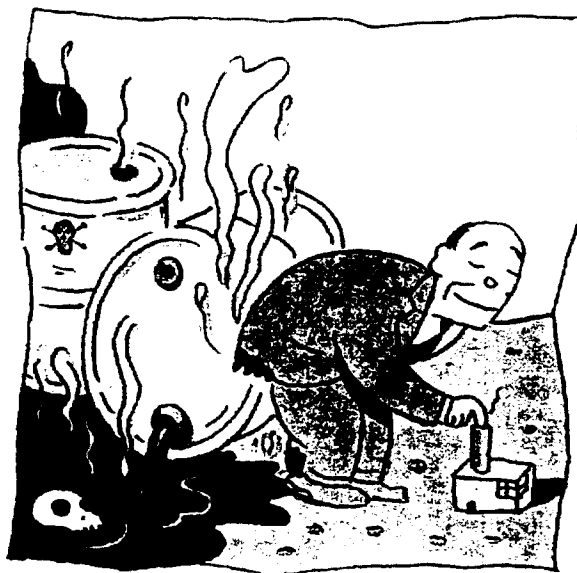
crazy, and they feared a spate of lawsuits. They began sending the form so that workers would know how to identify a brick (a "hard ceramic body with no odor") and giving its boiling point ("above 3,500°" Fahrenheit). In 1994, after three years of litigation, the poison designation was removed by OSHA.

The proliferation of rules may not produce the benefits of certainty and fairness, but it creates endless opportunities for smart lawyers seeking angles and advantages. Law, supposedly the backdrop for society, has been transformed into one of its main enterprises. For some billionaires, cable-TV companies, congressmen and litigators, close scrutiny and manipulation of the rules are a means to an end. The words of law give them lower taxes, a way to circumvent price controls, a secret means of playing favorites and a tool to grind the other side into the ground.

The rest of us feel like law's victims. We divert our energies into defensive measures to avoid tripping over the rules. Knowing for certain that full compliance is impossible, and that the government's reaction may be

wholly out of proportion, law has fostered what Prof. Joel Handler has described as a "culture of resistance" where everyone is a potential adversary.

Law that leaves no room for judgment loses its original goal. Safety inspectors wander around without even thinking about safety. The YMCA of New York City, one of the last providers of low-cost, transient housing, gets regular citations for code violations like nonaligning windows and closet doors that do not close tightly. Does the city think that those clean, inexpensive rooms are somehow unworthy of a city that itself provides beds 18 inches apart for those who have no place to sleep? A city inspector recently told the YMCA, after it had virtually completed a renovation, that the fire code had changed and a different kind of fire-alarm system, costing an additional \$200,000, would have to be installed. "Don't they realize that



WRONG POLLUTION SOLUTION

A rigid federal law required a Virginia company to spend \$31 million to prevent a small amount of benzene from escaping a smokestack. The company couldn't spend the money to clean up tons of harmful benzene emissions that came from a nearby source.

the \$200,000 can provide yearlong programs for a hundred kids?" asked Paula Gavin, the YMCA's president. In our obsessive effort to perfect a government of laws, not of men, we have invented a government of laws *against* men.

THE NEVER-ENDING PROCESS

In 1962, Rachel Carson shocked the nation by exposing the effects of DDT and other pesticides in her book *Silent Spring*. There was also another side to the issue: Pesticides give us apples without worms and the most productive farms in the world. In 1972, Congress required the newly created Environmental Protection Agency to review all pesticides (about 600 chemical compounds at that time) and decide which should be removed from the market. The deadline was three years. More than 20 years have passed, and yet only 30 pesticides have been judged. Hundreds of others, including some on which there are data suggesting significant risk, continue to be marketed. "At this rate," said Jim Aidala, a onetime congressional pesticide expert, "the review of existing pesticides will be completed in the year 15000 A.D."

Making decisions, it almost seems too obvious to say, is necessary to do anything. Every decision involves a choice and the likelihood that somebody will lose something; otherwise, there would be no need to decide. This is the issue that paralyzes government decision making. "The problem with government," argues economist Charles Schultze of the Brookings Institution, "is that it can't ever be seen to do harm." Bureaucrats find it nearly impossible to say yes. Yet the act of not choosing is not benign: We may eat something bad because the EPA never made a decision.

Sometimes government cannot act even in the face of imminent peril. In the early-morning hours of April 13, 1992, in the heart of Chicago's downtown Loop, the Chicago River broke through the masonry of an old railroad tunnel built in the last century. Several hundred million gallons of water from the river were diverted into the basements of downtown office buildings, knocking out boilers, short-circuiting countless electric switches, ruining computers and turning files into wet pulp. Total losses were over \$1 billion. Several weeks before the accident, the leak in the tunnel had come to the attention of John LaPlante, then Chicago's transportation commissioner, a public servant with 30 years of exemplary service. He knew that a river was immediately overhead and that a break could be disastrous. He ordered his engineers to shore up the ceiling. As prudent administrator, he also asked how much it would cost. The initial guess was about \$10,000. His subordinates then sent to a reputable contractor, who quoted \$75,000. Although the amount was paltry, the discrepancy gave LaPlante pause.

He put it out for competitive bids. Two weeks later, before the bidding process had even begun, the ceiling collapsed.

Bureaucrats don't even seem capable of looking in the right direction. How things are done has become far more important than what is done. The process has become an end in itself. A weakness of human nature that prompts many to avoid responsibility has become institutionalized in layers of forms and meetings. As a result, government accomplishes virtually nothing of what it sets out to do. It can barely fire an employee who doesn't show up for work.

The actual goals of government are treated like a distant vision, displaced by an almost religious preoccupation with procedural conformity. Public servants who dare take the initiative can be smothered. In the late 1980s, Michael McGuire, a senior research scientist at the University of California at Los Angeles, found himself in trouble. His lab is funded by the Veterans Administration. Its lawn also needs to be cut. When the lawn mower broke, McGuire decided to buy another one. During a subsequent routine audit, the federal auditor asked why the lawn mower was different. McGuire told the truth: He had thrown out a broken federal lawn mower (after saving usable spare parts). That prompted an investigation resulting in several meetings with high-level federal officials. After months, they rendered their findings: They could find no malice, but they determined McGuire to be ignorant of the proper procedures. He received an official reprimand and was admonished to study VA procedure, which he noted was "about the size of an encyclopedia." One other fact: McGuire bought the lab's lawn mower with his own money.

Orthodoxy, not practicality, is the foundation of process. Its credo is for complete fairness; its demons are corruption and favoritism. But concepts like equality and uniformity have no

logical stopping point; no place where they say, "The Chicago commissioner shouldn't worry about bidding procedures with the river only a few feet above the leak." No one risks drawing the line. Any potential complaint is answered with one more "fact-finding" procedure.

One destructive message of this is that bureaucrats can't be trusted to exercise their judgment. And the cost of this mistrust is "almost inconceivable. The paperwork it generates in the name of 'oversight' and 'accountability' often costs more than the product it purchases. The Defense Department announced last year that it spent more on procedures for travel reimbursement (\$2.2 billion) than on travel (\$2 billion).

Setting priorities is difficult in modern government because process has no sense of priorities. Important, often urgent, projects get held up by procedural concerns. Potentially im-



A LAWN MOWER FELONY

A California lab director was reprimanded by the Veterans Administration for spending his own money to buy a lawn mower to replace one that had broken. VA auditors found no evidence of malice but insisted he bone up on proper VA procurement procedures.

■ SCIENCE & SOCIETY

portant breakthroughs in medicine wait for years at the Food and Drug Administration. Even obviously necessary safety projects can't break through the thick wall of process. In 1993, during a snowstorm at New York's La Guardia Airport, a Continental Airlines DC-9 had to abort a takeoff and ended up with its nose in Long Island Sound. Another 100 feet and many lives would probably have been lost. Two years earlier, another plane had slid off the runway, killing 27 people. The 7,000-foot runway is about 70 percent as long as those at most commercial airports, and the Port Authority of New York and New Jersey, which runs the airport, had been trying to add 460 feet for six years. But the agency had spent years talking to environmental agencies and community groups whose procedural rights took precedence over making the airport safer.

The irony of our obsession with process is that it has not prevented sharp operators from exploiting the government's contracting system, as the weapons-procurement scandals of the 1980s showed us. Its dense procedural thicket is a perfect hiding place for those who want to cheat. It has also led to a system so inconclusive that fairness is lost: Advocates can bludgeon their adversaries endlessly in public disputes that become too costly to see to a conclusion. And nothing ever gets done.

We must remember why we have process at all. It exists to serve responsibility. Process was not a credit card given out to each citizen for misconduct or delay; nor was it an invisible shield given to each bureaucrat. Responsibility, not process, is what matters.

A NATION OF ENEMIES

Finding a public bathroom in New York City is not easy. To remedy the problem, Joan Davidson, then director of the J. M. Kaplan Fund, a private foundation, proposed in 1991 to finance a test of six sidewalk toilet kiosks in different sections of the city. The coin-operated toilets, which cleaned themselves after every use, were small enough not to disrupt pedestrian traffic and would pay for themselves with the sale of advertising for the side panels. The proposal was greeted with an outpouring of enthusiasm. Then came the problem: Wheelchairs couldn't fit inside them. The director of the mayor's Office for People with Disabilities said the idea was "discrimination in its purest form." The city's antidiscrimination law, she pointed out, made it illegal to deny to the disabled any access to public accommodation. A protracted battle ensued.

The ultimate resolution, while arguably legal, was undeniably silly: Two toilet kiosks would be at each of the three locations, one for the general public and the other, with a full-time attendant, for wheelchair users only. The test proved how great the demand was. The regular units averaged over 3,000

flushes per month. The wheelchair-friendly units were basically unused; the cost of the attendant was wasted.

Making trade-offs in situations like this is much of what government does. Almost every government act, whether allocating use of public property, creating new programs or granting subsidies, benefits one group more than another, and usually at the expense of everyone else. Most people expected leaders to balance the pros and cons and make decisions in the public interest. The government of New York, however, lacked this power because it had passed an innocuous-sounding law that created "rights" elevating the interests of any disabled person over any other public purpose.

Rights have taken on a new role in America. Whenever there is a perceived injustice, new rights are created to help the victims. Yet these new rights are intended as an often invisible form of subsidy. They are provided at everyone else's expense, but the check is left blank. They give open-ended power to one group, and it comes out of everybody else's hide. The vocabulary of accommodation, the most important language for a democracy, is displaced.

The "rights revolution" did not begin with any of this in mind. It was an effort to give to blacks the freedom the rest of the citizenry enjoyed. The relatively simple changes in law in the Civil Rights Act of 1964 sparked a powerful social change for the good. But that inspired reformers in the 1960s to consider using "rights" as a method to eliminate inequality of all kinds. Reformers zeroed in on the almost nuclear power that "rights" could bring to their causes. People armed with new rights could solve their own problems by going straight to court, bypassing the maddeningly slow process of democracy.

The most influential thinker was Charles Reich, at Yale. In his 1964 article "The New Property," Reich laid out a simple formula to empower citizens:

Government decisions should be considered the property of the people affected. Government employees facing termination, professionals licensed by the state and contractors doing government business no longer would be subject to the judgment of government officials. Everyone would have a "right" that government would have no choice but to respect. In a follow-up article, Reich focused on what he thought was the area in which government largess was most important to the individual: welfare. He called for a "bill of rights for the disinherited." His vision heralded a new era of self-determination. Power would be transferred to the wards of the welfare state. Who would draw the line? "Lawyers," he proclaimed, "are desperately needed now."

Reich got his wish. Today, even ordinary encounters—between teachers and students, between supervisors and em-



THE CASE OF THE MISSING BATHROOMS

A plan to use sidewalk toilets in New York City had wide support. But it ran afoul of disabilities-rights regulations because wheelchairs could not fit the kiosks. A compromise plan to have attendants at disabled-only kiosks was a bust — no one used them.

ployees—now involve lawyers. Like termites eating their way through a home, “rights” began weakening the lines of authority of our society. Traditional walls of responsibility—how a teacher manages a classroom or how a social worker makes judgments in the field—began to weaken.

The Supreme Court embraced Professor Reich’s concepts in a 1970 decision, *Goldberg v. Kelly*, which held that welfare benefits were “property” and could not be cut off without due process. Congress began handing out rights like land grants. Floodgates opened allowing juveniles, the elderly, the disabled, the mentally ill, immigrants and many others—even animals included under the Endangered Species Act—their days in court.

After 30 years of expanding rights against workplace discrimination, Congress has succeeded in “protecting” over 70 percent of all American workers. But are we witnessing a new age of harmony and understanding in the workplace? Hardly. Even those who are successful are bitter. Ellis Cose, in *The Rage of a Privileged Class*, describes the extraordinary anger of successful blacks—partners in law firms, executives in companies—who feel they are being held back because of race. These feelings, however, mirror those of white professionals who believe blacks are promoted primarily because they are black.

A paranoid silence has settled over the workplace. Only a fool says what he really believes. It is too easy to be misunderstood or to have your words taken out of context. Those hurt most by the clammed-up workplace are minorities and others whom the discrimination laws were intended to help. The dread of living under the cloud of discrimination sensitivity and the lurking fear of potential charges often act as an invisible door blocking any but the most ideal minority applicant.

Beyond the workplace, public schools have been the hardest hit by the rights revolution, especially when it comes to special education. Timothy W. was a profoundly disabled child, born with quadriplegia, cerebral palsy, cortical blindness and virtually no cerebral cortex. His mother thought he should go to school. Experts consulted by the Rochester, N.H., school district concluded he was not “capable of benefiting” from educational services, but a federal judge ruled that the school was obligated to provide a program because under the Individuals with Disabilities Education Act, it didn’t matter whether he could benefit. Law books are filled with such cases as local school districts try to stem the hemorrhaging of their budgets. But the districts almost always lose. A right is a right.

Teachers, too, have suffered as the “rights” accorded students have allowed disruptive students to dominate classrooms. Except in the cases of egregious student conduct, most

teachers often don’t bother to act at all against misbehaving students. The procedures they have to follow are just too onerous. The easiest course is just to do nothing.

Rights are not the language of democracy. Compromise is. Rights are the language of freedom and are absolute because their role is to protect our liberty. By using the absolute power of freedom to accomplish reforms of democracy, we have undermined democracy and diminished our freedom.

THE RETURN TO PRINCIPLES

Like tired debaters, our political parties argue relentlessly over government’s goals, as if our only choice is between Big Brother and the laissez-faire state. They miss the problem entirely. Our hatred of government is not caused mainly by what government aims to do. It’s how law works that drives us crazy.

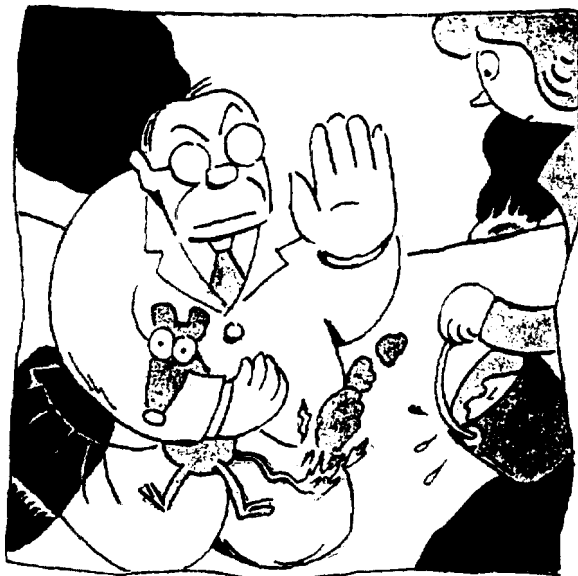
Law is hailed as the instrument of freedom because without law there would be anarchy, and we would eventually come under the thumb of whoever gets power. Too much law, we are learning, can have a comparable effect. It is no coincidence that Americans feel disconnected from government: The rigid rules shut out our point of view. By exiling judgment, modern law changed its role from useful tool to brainless tyrant.

Before American law became the world’s thickest instruction manual, its goal was to serve general principles. The sunlight of common sense shines high whenever principles control: What is right and reasonable, not the parsing of legal language, dominates the discussion. With the goal always shining before us, the need for lawyers fades. Both regulators and citizens understand what is expected of them and can use their judgment. They can also be held accountable.

We have invented a hybrid government form that achieves nearly perfect inertia. No one is in control. No one makes decisions.

This legal experiment hasn’t worked out. It crushes our goals and deadens our spirits. Modern law has not protected us from stupidity and caprice but has made stupidity and caprice dominant features of our society. And because the dictates are ironclad, we are prevented from doing anything about it. Our founders would wince; they knew that “the greatest menace to freedom,” as the late Chief Justice Earl Warren reminded us in 1972, “is an inert people.”

Law cannot save us from ourselves. Waking up every morning, we have to go out and try to accomplish our goals and resolve disagreements by doing what we think is right. Energy and resourcefulness, not millions of legal cubicles, are the things that make America great. Let judgment and personal conviction be important again. There is nothing unusual or frightening about it. It’s just common sense. ■



A REALLY ENDANGERED SPECIES

Some 28 homes in California needlessly burned down because the owners could not create a firebreak by plowing their yards. Authorities said that would have disrupted the habitat of the endangered kangaroo rat. It didn't matter that rats were being burned up, too.

By Tony Sanders

FCC's new grid card ups Arb-market ante 70%; unrated stations get 37% discount—The FCC has managed to take away a lot with one hand and give back a little bit with the other. The Commission's latest proposal for increasing the annual regulatory fees will jack the annual rates paid by AMs and FMs in Arbitron-rated markets by 70%, while offering stations in non-Arbitron markets a 37% cut in those same rates. (See tables below and related story on page 2).

The FCC's new rates won't go into effect until after the Commission completes a comment and reply-comment cycle and puts out a final report and order. The Commission just released the text for its proposed rule making last week. Comments are due by Feb. 13. Reply comments are

they wanted to continue doing so. Rep. **John E. Porter** (R-IL) is the new chairman of the Appropriations subcommittee that doles out about \$300 Million annually to the CPB. To help set the tone for the hearing, Porter's lead witness was Sen. **Larry Pressler** (R-SD), chairman of the Senate Commerce Committee. Pressler told the subcommittee that "public TV and radio can be privatized at the federal level and do very well." He said that the CPB is working on a plan to adjust to possible privatization. Pressler's own Senate committee shares responsibility for authorizing how much money CPB can spend annually.

Congress putting tax certificates under microscope—Spurred by the potentially-enormous tax breaks the FCC could wind up granting to companies like Viacom, Rep. **Bill Archer** (R-TX) wants to grill the FCC on the use of minority tax certificates. Archer heads the House Ways and Means Committee, which is responsible for tax issues, and has called for a formal hearing on the IRS rule (formally known as Section 1071) on Jan. 27. But Archer's not waiting until then to bring his staff up to speed. A Ways and Means aide told *RBR* the FCC was set to give committee staff a briefing on the issue last Friday.

"Main studio" violation nets KQQK Houston \$7,500 fine—The FCC says *KQQK, Inc.*, former owner of KQQK-FM Galveston/Houston, has violated the "Main Studio Rule," and owes the U.S. Treasury \$7,500. KQQK is licensed to Galveston, but serves the Houston market. Most of its operations are based at a Houston location outside of the station's city-grade coverage contour, so it has had a deal with KGBC, an AM station in Galveston (inside the city-grade contour), to provide space for its "main" studio.

The FCC isn't quibbling about the Galveston location. The problem is that the FCC says KQQK hasn't maintained the required "meaningful management and staff presence" at the Galveston studio since 1990. KQQK had cut a deal with KGBC President **Vandy Anderson** to be Assistant Station Manager of KQQK, since he would be in Galveston most of each business day. But the FCC says Anderson didn't really have any decision-making power in the day-to-day affairs of KQQK, meaning that the "main studio" site had no "meaningful management and staff presence."

Moreover, last May, the FCC asked KQQK, Inc. to detail Anderson's duties and responsibilities, but found that Anderson had retired from KGBC in November of 1993, and no new management personnel had been formally designated to take his place.

KQQK, Inc. has 30 days to persuade the FCC that its arrangement was kosher, and that it shouldn't be forced to pay the fine. KQQK was sold last month to Los Angeles-based *El Dorado Broadcasting* (*RBR*, 1/9, p. 17).

Rate changes FCC Grid Card #1, July 1994 FCC Grid Card #2, pending			
FM stations	1994		1995
Class C, C1, C2, B	\$900	Rated mkt	\$1,525
		Non-rated	565
Class A, B1, C3	600	Rated mkt	1,025
		Non-rated	375
CPs	500		595
AM stations			
Class A (old Class I) (50-kw clear channel stations)	\$900	Rated mkt	\$1,525
		Non-rated	565
Class B (old Class II and III) (Regional fulltimers)	500	Rated mkt	850
		Non-rated	315
Class C (old Class IV) (1-kw fulltime local)	200	Rated mkt	340
		Non-rated	125
Class D (old Class II-D & III-D) (Daytimers)	250	Rated mkt	425
		Non-rated	155
CP	500		120

due Feb. 28. Reference FCC Docket 95-3, "Assessment and collection of regulatory fees for fiscal year 1995."

Public Broadcasting goes under the klieg lights—Congressmen in charge of finding federal money to give to the *Corporation for Public Broadcasting* (CPB) put on an all-day hearing last Thursday (1/19) to decide whether

Eugene T. Smith

Attorney at Law

(202) 347-2363

715 G Street, S.E.

Washington, D.C. 20003

December 27, 1994

Mr. William Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

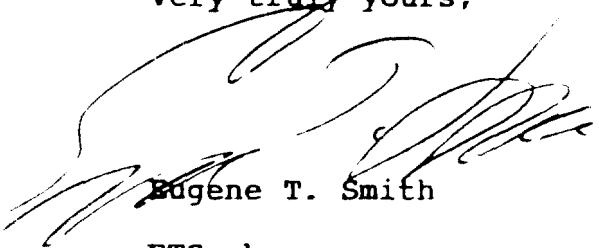
Re: 8920

Dear Mr. Caton:

On behalf of Midwest Dimensions, Inc., licensee of Station WPKR (FM), Omro, Wisconsin, there are transmitted herewith for filing an original and ~~two~~ copies of an Opposition to a Petition For An Order To Show Cause as filed with the Commission by Jones Spacelink, Ltd.

If additional information is needed, please contact the undersigned.

Very truly yours,



Eugene T. Smith

ETS:ch

Attachments

cc: Mr. Dennis Williams (w/att.)
Thomas J. Hutton, Esq. (w/att.)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

a re)
)
Midwest Dimentions, Inc.)
)
Station WPKR (FM),)
Omro, WI)
)
TO: Chief, Mass Media Bureau)

OPPOSITION TO
PETITION FOR AN ORDER TO SHOW CAUSE

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1.) WPKR admits that it is the licensee of Station WPKR (FM); that its FM antenna is located on a tower near the community of Ripon, Wisconsin; but it denies that it is the culprit causing interference to Jones cable subscribers, or to any off the air television reception in the Ripon, Wisconsin, area.

2.) First of all, the Petition is flawed in that it cites § 73.318 (b) of the Commission's Rules, and contends that this Rule requires WPKR to correct interference objections of Jones cable subscribers. § 73.318 of the Commission's Rules is a "blanketing"

requirement, and does not relate to broadcast v. cable subscribers.

3.) Secondly, WPKR denies that it has been playing with its ERP since it received authority to increase its power. WPKR does admit that it suffered an equipment failure in the latter part of 1993, but it denies that it either (1) commenced program test, or (2) replaced its antenna, or (3) requested, or received a modification of its licensed facilities during the time period alleged by Jones.

4.) WPKR admits that there is an arching problem on the tower where its FM antenna is located, and it has spent considerable sums of money in pin-pointing the problem (See the attached statement of James R. Coursolle, the President of WPKR's licensee corporation). When the infra-red testing on this tower has been completed, Jones and the Commission, will be advised. Please remember, there are other Commission licensees located on the same tower where the WPKR antenna is located.

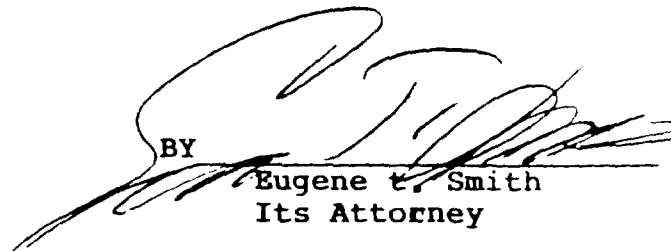
For these reasons, it is respectfully requested that the Petition of Jones Spacelink, Ltd. be denied.

Respectfully submitted,
MIDWEST DIMENSIONS, INC.

December 27, 1994

715 G Street, S. E.
Washington, D.C. 20003

202-347-2363

BY 
Eugene T. Smith
Its Attorney



Date: December 19, 1994

To: Federal Communications Commission

From: Jim Coursolle

Re: Response to Jones Intercable petition for an order
to show cause.

I began my broadcasting career in college in 1961. My first experience as an owner/manager came in 1969 at KKIN (AM) in Aitkin, Minnesota. In August of that year I learned first hand the importance of emergency weather coverage as tornadoes killed 12 and caused widespread damage to parts of KKIN's coverage area. KKIN received national recognition for its coverage of the event. (See attached exhibits A & B)

It was at that time that I vowed to myself to always incorporate into station policy a procedure for emergency weather coverage at any stations I owned or managed.

Perhaps the proudest moment I have as a broadcaster is when I was notified by the Ron Marks family, formerly of Waupun, Wisconsin, that they were listening to tornado warnings on WGGQ (FM) in Waupun, Wisconsin when they heard tornado warnings in my voice. Ron responded by actually pushing his family down the basement stairs as winds ripped off the roof and walls of their home.

Following the tornado of 1992 that destroyed portions of Wautoma, Wisconsin, the enclosed card was sent to WPKR (FM) of Omro, Wisconsin. (See exhibit C)

It is ironic that the interference problem being dealt with was caused by tornadoes and high winds as tornadoes ripped through Ripon in the summer of 1993. Repairs were made to our equipment immediately following the storm and in early 1994. Since those repairs, over \$35,000 has been spent by WPKR on repairs and analytical work by engineers and technicians. WPKR has retained Ralph Evans and Associates of Thiensville, Wisconsin. Ralph, who is an inductee into the Wisconsin Broadcasters Hall of Fame, is the most qualified

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3891 WAUKAU AVE
P O B O X 3450
OSHKOSH, WI 54903

414 • 236 • 4242

FAX 414 • 236 • 4240

December 19, 1994
Federal Communications Commission
Page -2-

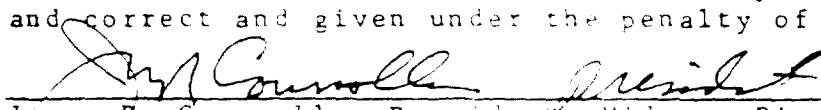
engineer in this area. At the writing of this document, Ralph continues to work on this elusive problem on a daily basis. All of WPKR's equipment has been and continues to operate according to all manufacturer specifications and FCC rules and regulations. Ralph is in the process of doing infra-red heat sensitive testing to locate the arcing causing the alleged interference. Preliminary testing agrees with suspicions that the arcing is not caused by any property or equipment owned by WPKR. WPKR is a tenant on a tower owned by 4X Corporation, Neenah, Wisconsin.

I have had the opportunity to study the petition for an order to show cause filed before the Federal Communications Commission and dated December 9, 1994.

The entire petition is based upon FCC rules, part 73.318, which is not applicable. Section 73.318 deals with FM BLANKETING INTERFERENCE. The type of interference being experienced by TV viewers in Ripon is interference caused by arcing somewhere on the 4X Corporation owned tower which WPKR leases antenna space. The other portion of this non-applicable section deals with blanketing interference in the first year of operation (See (c)). Jones Intercable contends that WPKR increased power in December, 1993. WPKR transmitter logs do not indicate that to be so. WPKR did experience a complete transmitter outage in the fourth quarter of 1993 due to the actions of a contractor hired by 4X Corporation to re-insulate the transmitter building before winter. Our complete transmitter plant had to be investigated and several areas of the transmitter had to be replaced as a result of the sawdust and insulation drawn into the transmitter cooling intake fans during the contractor's construction period. Following the cleaning and refurbishing of the WPKR 20KW RCA transmitter, my engineers commented to me that the transmitter was working "just like it was new."

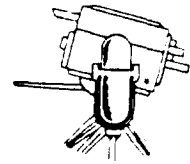
During my tenure as president of Midwest Dimensions, Inc. licensee of WPKR (FM), Omro, Wisconsin, WPKR has always had an updated version of FCC Rules and Regulations on hand. Updates are provided frequently by the Rules Service Company of Rockville, Maryland. I personally place all updates in the loose-leaf book so as to familiarize myself as much as possible with rule changes.

The above statement is to the best of my ability true and correct and given under the penalty of perjury.


James R. Coursolle, President, Midwest Dimensions, Inc.,
WPKR (FM), Omro, Wisconsin.

Date: December 19, 1994

RTND A



Executive Secretary, ROB DOWNEY
WKAR Michigan State University
East Lansing, Michigan 48823

PRESIDENT

1 W. Bill Robert
Time Life Broadcast
Washington, D. C. 20036

VICE PRESIDENT

James A. M. Culla
A66 N. 1
Los Angeles, California 90016

TABLE OF CONTENTS

Born 1948
 10000 4th Ave. N.
 Minneapolis, Minn. 55412

2017-10-27

106

Source: *United States Census Bureau*.
 Summary: *Population 98107*

Michael Mark O. Gayther Jr., KMTV
Dorinda Natunaka 68131

APR 1 1964
WIBC
4620A

Journal of Broadcasting & Electronic Media
2003, 47(4)

Date of Birth: 11/11/1921
 Date of Death: 10/10/1981

Southport, Fla. V.D.S.U. 1/2
New Orleans, Louisiana 70130

601 E. 1st St., Suite 100, Fort Worth, TX 76102
Dallas Texas 75202

[illegible]

100-443887-100
 100-443887-100

1. Subject - Re: [redacted] [redacted]
 2. Reference - None

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PERIODIC RENTAL CARDS

John H. Allen
 10000 S. Green Street, Suite 200
 Chicago, Illinois 60643

40115114 3P-100

1. Joe Anderson
 2. Radio Dept.
 3. Syracuse University
 4. Syracuse, New York 13210

Mr. James Courselle
General Manager
KKIN
Box 287
Aitkin, Minnesota 56431

Dear Mr. Courselle:

It is my pleasure to inform you that KKKIN has been named winner of a Special Citation for Spot News Coverage for the year 1969 by the Radio Television News Directors Association as part of its annual International awards competition.

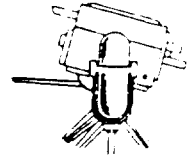
KKIN was cited for its coverage of the event and the aftermath of a series of tornadoes near Outing, Minnesota, August 6, 1969. The nomination for the special citation was made by the judges of the mid-west regional RTNDA competition, and confirmed by the judges of the International competition during the judging this last month.

The judges of the International competition said:
"for a station in a small market, with a limited staff and
limited facilities, the coverage of both the storm situation
and the aftermath which included 12 fatalities and widespread
damage, KKIN's coverage was in the finest traditions of
broadcast news."

As you may know, the presentation of these awards is a highlight of the annual RTNDA conference. That conference this year will be held Sept. 22-26 at the Brown Palace Hotel in Denver, Colorado. The awards luncheon will be on Thursday, September 24. We hope that you and other members of your staff will be there to receive the award in person.

Publicity about the award will be coordinated by Sheldon Peterson, Time-Life Broadcasting, Time-Life Building, Room 1972, New York (212-556-4586). This letter is to inform you, in

R T N E



Radio Television News Directors Association

Executive Secretary, ROB DOWNEY
WKAR Michigan State University
East Lansing, Michigan 48823

-2- Mr. Courselle

confidence, of your winning the award. We would like to hold the release until Monday, September 21, 1970, for the trade press, and the beginning of the conference in Denver. If you have any questions about the publicity, or want to coordinate your release or advertising plans, please contact Sheldon at the above address.

PRESIDENT
L. W. J. K. K. K.
The Ohio Broadcasters
Washington, D.C. 20036

VICE PRESIDENT
James A. McCallie
ARC-TV
Los Angeles, California 90016

TREASURER
R. J. J. J. J.
SNAZ-TV
Birmingham, Alabama 35201

DIRECTOR
R. J. J. J. J. KSFQ
San Francisco, California 94108

R. J. J. J. J. KMTV
Omaha, Nebraska 68131

M. J. J. J. J. WIBC
Indianapolis, Indiana 46208

H. J. J. J. J. Cox Broadcasting
Washington, D.C. 20036

Northeast: J. J. J. J. J. WDC-TV
New York, New York 10020

Southeast: J. J. J. J. J. WDSU-TV
New Orleans, Louisiana 70130

Southwest: J. J. J. J. J. WFAA & TV
Dallas, Texas 75202

Canada: J. J. J. J. J. CHML
Hamilton, Ontario, Canada

At Large: J. J. J. J. J. KWGN-TV
Denver, Colorado 80203

At Large: J. J. J. J. J. WVOH
Chicago, Illinois 60623

At Large: J. J. J. J. J. WSM-TV
Nashville, Tennessee 37209

Past President: J. J. J. J. J. Barker
FPTD & TV
Dallas, Texas 75202

William S. Baxter, EX OFFICIO
Head Radio-TV Div. of Assoc. for
Education in Journalism

West Bowen, EX OFFICIO
Chairman, National Broadcast Editors
Conference Steering Committee

PRESIDENT RTNDA CANADA
W. Graham Allen
Canadian Broadcasting Corporation
Halifax, Nova Scotia, Canada

BULLETIN EDITOR
Ernest F. J. J. J. J.
TV Radio Dept.
Syracuse University
Syracuse, New York 13210

Sincerely,

Richard D. Yoakam

Richard D. Yoakam
Awards Co-Chairman
Indiana University
Department of Radio-TV
Bloomington, Indiana 47401

RDY:nhm

cc: Joe Andrews
Sheldon Peterson
Bob Manewith

EXHIBIT B



STATE OF MINNESOTA

OFFICE OF THE GOVERNOR

ST. PAUL 55101

HAROLD LEVANDER
GOVERNOR

August 28, 1969

Mr. James Coursolle
Manager, Radio Station KKIN
Aitkin, Minnesota 56431

Dear Mr. Coursolle:

I wish to commend you and members of KKIN for your outstanding contribution immediately following the disastrous tornado that swept through the Outing, Minnesota area on the evening of August 6th.

An outstanding job of reporting and broadcasting what had happened, and what was happening at the moment, was greatly appreciated in the area.

I would appreciate it if you would convey my sincere appreciation to your staff for their fine and unselfish contribution during this recent disaster.

Sincerely,

Harold LeVander
GOVERNOR

HL:wh

TO WPKR —

Since we lost our home we'll rent 2 years till we retire & hence haven't got cable or TV & we rely on you for Nashville news etc.

Merry Christmas
& Happy '99"

Keep up the good work.

P.S. I have WPKR on in my classroom on the stereo & it enjoyed by all students - don't change station either!

The night of August 29, 1992
we were totaled out
by the tornado that
hit Wautoma. Your
station kept me
company with my 7

Thanks so much
For showing such special warmth
and thoughtfulness!

labs as we were in
the kitchen (safest
room left) waiting
for sunrise. The dogs
had survived with
no injuries because
they were crated &
the tornado totaled

EXHIBIT 4

The Kennel. You'all
 helped us keep our
 perspective, it was
 something familiar
 in what appeared to
 be a battle field.
 Thanks for being there
 for us ^{Undercover} Kids. Please
 tell people ^{Designed by} to heed
 warnings - my husband
 didn't want to go to
 the basement (watching
 Packers) he finally
 did - he would have
 been sucked ^{Sangamon} out if
 he hadn't —

Julie &
 © Morehead Inc.

Bill Thompson

11932-6
 SANGAMON, INC.
 MADE IN U.S.A.

Thanks So Much



Eugene T. Smith

Attorney at Law

(202) 347-2363

715 G Street, S.E.

Washington, D.C. 20003

December 27, 1994

Mr. William Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

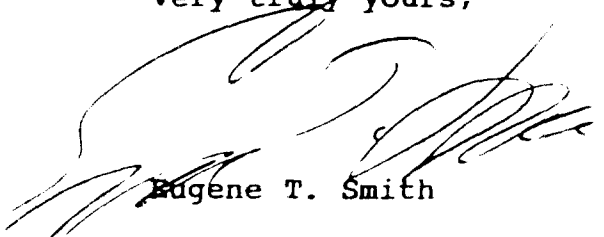
Re: 8920

Dear Mr. Caton:

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If additional information is needed, please contact the undersigned.

Very truly yours,



Eugene T. Smith

ETS:ch

Attachments

cc: Mr. Dennis Williams (w/att.)
Thomas J. Hutton, Esq. (w/att.)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

n re)	
)	
Midwest Dimentions, Inc.)	
)	
Station WPKR (FM),)	
Omro, WI)	
)	
TO: Chief, Mass Media Bureau)	

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For these reasons, it is respectfully requested that the Petition of Jones Spacelink, Ltd. be denied.

Respectfully submitted,
MIDWEST DIMENSIONS, INC.

December 27, 1994

715 G Street, S. E.
Washington, D.C. 20003

202-347-2363

BY

Eugene T. Smith
Its Attorney



Date: December 19, 1994

To: Federal Communications Commission

From: Jim Coursolle

Re: Response to Jones Intercable petition for an order
to show cause.

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